

Report To: The Planning Board

Date: 3 August 2016

Report By: Head of Regeneration and Planning

Report No: 15/0001/HGE  
Plan 08/16

High Hedge Application

Contact Officer: Nicholas McLaren

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Subject: Notification of High Hedge Notice Appeal Decision: Proposed reduction in trees' height at Kildonan House, Lochwinnoch Road, Kilmacolm



### SUMMARY

- A High Hedge Notice was issued by the Council requiring 2 hedges to be reduced in height to 10 metres and 2.5 metres.
- The owner appealed the decision to the Scottish Ministers.
- The Reporter appointed by the Scottish Ministers dismissed the appeal, but varied the notice requiring the 2 hedges to be reduced in height to 10 metres and 3.5 metres.

## **INTRODUCTION**

In January 2016 the Council issued a High Hedge Notice in respect of a hedge varying in height between approximately 11 and 13 metres requiring:

1. The high hedge within the grounds of Kildonan House, Lochwinnoch Road close to the boundary with 'Westbreak/Cairndene', Park Road, Kilmacolm, to be reduced in height to 2.5 metres above existing ground level.
2. The high hedge within the grounds of Kildonan House, Lochwinnoch Road, commencing at its mutual boundary with 'Westbreak/Cairndene', Park Road and extending, without significant break, for a distance of approximately 15 metres to the south-west, to be reduced in height to 10 metres above existing ground level.
3. In both instances all hedge reduction works were to be completed within 3 months and, in the circumstances of the hedge remaining in place, thereafter maintained in perpetuity at the heights specified.

The Notice was appealed to the Scottish Ministers.

## **APPEAL DECISION**

The appeal was considered by the Reporter appointed by the Scottish Ministers and was the subject of a site visit on 19 May 2016.

In commencing his assessment the Reporter was satisfied that the trees constituted a high hedge and that the Council had followed proper procedures. The case officer visited the site, precisely described the requirements of the notice and the Council was properly represented at the appeal site visit.



In reaching his decision the Reporter considered the reasonable enjoyment of affected houses. He assessed the impact of the hedge on windows from loss of sunlight and visual dominance and the overshadowing of garden ground. Drawing these points together, he had

no doubt that the part of the hedge next to the boundary with Westbreak and Cairndene affected the reasonable enjoyment of their residents. The impact from the hedge along Park Road is less.

The Reporter required to take into account the hedge owner's interests, and he acknowledged the benefit gained from privacy. This being so he reflected a fairer balance would be to vary the Council's proposal of a reduction to 2.5 metres to 3.5 metres, allowing a very significant level of privacy to Kildonan House and additional sunlight and daylight to Westbreak and Cairndene. The Reporter was satisfied that the proposed reduction to 10 metres on the section fronting Park Road is appropriate.

Looking at other matters, the Reporter concluded that the hedge has little impact on the general amenity of the area and that for avoidance of the bird breeding season, which he has taken as the end of August, the period for compliance is set for 30 September 2016.

### **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Nicholas McLaren on 01475 712420.